

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 15-0246-DOC (DFMx)

Date: October 27, 2016

Title: TOYO TIRE & RUBBER CO., LTD., ET AL. V. CIA WHEEL GROUP, ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Deborah Goltz
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER VACATING HEARING,
REQUESTING BRIEFING, AND
SETTING NEW DATES**

The Court held a status conference with the parties on October 26, 2016 at 8:30 a.m. Pursuant to that conference, the Court takes three actions.

First, the Court ORDERS Plaintiffs Toyo Tire & Rubber Co, Ltd. and Toyo Tire U.S.A. Corporation (“Toyo” or “Plaintiffs”), and Doublestar Dong Feng Tyre Co., Qingdao Doublestar Tire Industrial Co. Ltd, and Doublestar Group Corp (collectively, “the Doublestar defendants”) to submit briefing on the proper role that the stipulation (Case No. 14-54, Dkt. 8) and injunction (Case No. 14-54, Dkt. 10) issued in *Toyo Tire & Rubber Co., Ltd. et al. v. Hong Kong Tri-Ace Tire Co., Ltd. et al.*, 8:14-cv-00054-CJC-JPR (C.D.C.A., Oct. 18, 2016) should play in this trial.

The parties must address the following questions in their briefing:

1. Are the stipulation and/or injunction enforceable against Qingdao Doublestar Tire Industrial Co. Ltd and Doublestar Group Corp, even though they did not sign the stipulation?
2. Are the stipulation and/or injunction sufficiently specific to be enforceable?

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3. Do the stipulation and/or injunction cover the trade dress that Toyo is claiming in this case (Case No. 15-246)?
4. As a matter of law, if the Mark Ma Daka M/T tire infringes on Toyo's OPMT, does that also mean that the AMP tire infringes on the OPMT?
5. If a jury finds the OPMT trade dress is functional or otherwise invalid, would the stipulation and/or injunction be enforceable?

Any other arguments either party wanted to raise regarding the applicability, enforceability, or import of the stipulation and the injunction must be raised in this briefing—or the Court will consider such argument waived.

The Court sets the following schedule for this supplemental briefing:

- Toyo's Opening Brief is due on or before November 21, 2016;
- The Doublestar defendants' Joint Answering Brief is due **on or before December 12, 2016**; and
- Toyo's Reply is due on or before December 23, 2016.

Defendants CIA Wheel Group and Wheel Group Holdings may submit a joint ten (10) page brief on the issue of the stipulation and/or injunction **on or before December 12, 2016**.

Second, the Court CONTINUES the hearing on the Motion to Bifurcate Trial (Dkt. 220) from November 7, 2016 at 8:30 a.m. **until February 6, 2017 at 8:30 a.m.**

Third, and finally, the Court ORDERS that the dates in this action shall be as follows:

- Wheel
- Group Holding's Discovery Cut-off date is **January 30, 2017**;
- Wheel Group Holding's Motion Cut-off date is **March 13, 2017**;
- The Final Pre-Trial conference is continued until **March 27, 2017 at 8:30 a.m.**; and
- Trial on this matter is continued until **April 4, 2017 at 8:30 a.m.**

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The Clerk shall serve this minute order on the parties.

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Initials of Deputy Clerk: djg